

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

DERWAYNE WESLEY SHARP,)	
)	
Petitioner,)	
)	
v.)	1:13-cr-384-1
)	1:20-cv-453
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

On August 2, 2023, the United States Magistrate Judge's Recommendation ("Recommendation") was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. (Docs. 41, 42.) No objections were filed within the time limits prescribed by Section 636.

Therefore, the court need not make a de novo review and the Magistrate Judge's Recommendation is hereby adopted.


IT IS THEREFORE ORDERED that the Magistrate Judge's Recommendation, (Doc. 41), is **ADOPTED. IT IS FURTHER ORDERED** that Petitioner's Section 2255 Motion, (Doc. 26), is **DISMISSED.**

IT IS FURTHER ORDERED that Respondent's Motion to Dismiss Motion to Vacate, Set Aside, or Correct Sentence, (Doc. 39), is **DENIED AS MOOT.** The court further finds there is no substantial showing of the denial of a constitutional right affecting the

conviction nor a debatable procedural ruling, therefore a certificate of appealability is not issued.

A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 23rd day of August, 2023.


United States District Judge